



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	FINDINGS OF FACT,
PERMIT FOR TAXLOT# 51020CB00200)	CONCLUSIONS, AND
FOR STORMWATER DITCH MAINTENANCE)	ORDER DP #22-02
CHAPTER 17.43 WETLANDS OVERLAY)	

IN ZONE: R2/WO

APPLICANT: City of Cannon Beach
 Department of Public Works
 Attn: Trevor Mount
 163 E. Gower St.
 Cannon Beach, OR 97001

The above-named applicant applied to the City for review and approval of a development permit described above under Chapter 17.43 Wetlands Overlay of the Cannon Beach Municipal Code, subsection 17.43.030. The Community Development Director considered the above entitled matter and approved the development permit on February 1, 2022. The City of Cannon Beach orders that this request for approval of a development permit is granted subject to conditions, and adopts the findings of fact, conclusions and conditions contained in attachment A.

This decision may be appealed to the Planning Commission by an affected party by filing an appeal with the City within fourteen days of this date.

DATED: February 1, 2022



 Robert St. Clair
 Planner



Attachment "A"

FINDINGS OF FACT

CITY OF CANNON BEACH – DP#22-02

PROPERTY DESCRIPTION: Taxlot# 51020CB00200;
PROPERTY LOCATION: Intersection of Antler Ave. & East 5th St.

SUMMARY: Applicant, City of Cannon Beach, is requesting to remove accumulated vegetation and sediment in the stormwater ditch located parallel to East 5th St. between Antler Ave. and Ecola Park Rd. The subject area has been measured by Community Development staff to be no more than 40 linear feet between culverts and the application states that an area up to 5 feet wide would be cleared. Staff observed that the material being removed is primarily vegetation that is interfering with the operation of the existing stormwater ditch. City of Cannon Beach Public Works indicated that no more than 1 vertical foot of material would need to be removed for this project and the total amount of material to be removed is less than 10 cubic yards. Cannon Beach Municipal Code permits vegetation management as an outright use in the Wetlands Overlay district.

CRITERIA:

17.43.030 Uses and activities permitted outright in wetlands.

The following uses and activities may be permitted in the wetlands portion of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- C. Roads or driveways, including an expansion of an existing right-of-way;
- D. Underground or above-ground utilities;
- E. Vegetation management. (Ord. 94-29 § 2)



17.92.010 Development permits.

2. Administrative review of Type 2 development permits shall follow the following procedure:

a. The development permit application shall be reviewed by planning department against the applicable standards contained in this title and the application shall either be approved, approved with conditions, or denied.

b. A decision shall be made within twenty days of the receipt of a complete application.

c. The decision of the planning department shall be by signed written order. The order shall comply with Section 17.88.110(B). The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed.

d. The applicant shall be notified of the decision in accordance with the provisions of Section 17.88.130. Property owners within one hundred feet of the exterior boundary of the subject property shall likewise be notified.

e. A decision on the development permit may be appealed to the planning commission in accordance with Section 17.88.140.

17.88.110 Decision.

Following the procedure described in Section 17.88.060, the hearing body shall approve, approve with conditions or deny the application or if the hearing is in the nature of an appeal, affirm, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

A. The decision of the hearing body shall be by a written order signed by the chair or designee.

B. The order shall incorporate finding of facts and conclusions that include:

1. A statement of the applicable criteria and standards against which the proposal was tested;

2. A statement of the facts which the hearing body relied upon in establishing compliance or noncompliance with each applicable criteria or standards and briefly state how those facts support the decision;

3. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

C. The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed



CONCLUSIONS

The Community Development Department has reviewed the application, visited the site and determined that the application meets the applicable criteria, upon the following conditions:

CONDITIONS

1. Work shall be completed prior to March 4, 2022;
2. No more than 10 cubic yards can be removed by this action;
3. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.

SITE MAP

